

PLANNING AND ZONING BOARD
JUNE 12, 2002

1. ROLL CALL

The meeting was called to order at 7:04 p.m. Board members present were Chair George Greb, Vice-Chair Mike Bender, Casey Lee, Mimi Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Deborah Ross, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: May 9, 2001
May 22, 2002

Vice-Chair Bender made a motion, seconded by Ms. Lee, to approve the minutes of May 9, 2001, and May 22, 2002. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PLAT

3.1 P 2-1-02, Tuscany at Davie, northeast corner of Orange Drive and Hiatus Road (A-1)

Bill Laystrom, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to the conditions as outlined in the report).

Mr. Laystrom announced that the name of the plat would be changed to "Black Hawk Ranches." He indicated that he concurred with the conditions as noted in the planning report. Ms. Lee asked if staff had any objections to the access road being located near the Orange and Hiatus Roads intersection. Mr. Gratz responded negatively stating that 130 feet was ample.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve subject to the conditions as outlined in the planning report. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Bender - yes; Ms. Lee - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

4. PUBLIC HEARINGS

4.1 ZB 4-2-02, Pulice Land Surveyors, Inc./Maurer, east side of Davie Road, 660 feet north of Stirling Road (from R-2 to RO)

Elizabeth Pulice, representing the petitioner, was present. Mr. Gratz summarized the planning report.

Ms. Pulice explained that the constrictions of the existing zoning made it illogical for development. She spoke of the mutual benefits which would be gleaned from the change and answered questions posed by Board members.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Lee made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Bender - yes; Ms. Lee - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

4.2 ZB 5-1-02, Seligman, 7730 and 7740 NW 30 Street (from B-2 to RM-5)

Jerry Seligman, the petitioner, was present. Mr. Gratz advised that the request had been amended to be rezoned to R-5, single family homes. He summarized the planning report.

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Ms. Lee inquired if any opposition had been received from the notices which had been sent. Mr. Gratz responded that one of the returned notices had indicated that they were opposed to RM-5; however, not to R-5.

Chair Greb asked if anyone wished to speak for or against this item.

Alan Weinger, 9711 North New River Road, indicated that although he had been opposed to the RM-5 rezoning request, he had no objections R-5 zoning.

Sergio Basas, 7721 NW 30 Street, stated that as long as it was two single-family homes, he had no problem with it.

As there were no other speakers, the public hearing was closed.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

4.3 V 4-2-02, Khavanin/Dhanani, Lot 10 of Chemin Des Palms, 6190 SW 56 Street (R-2)

As the petitioner was not present, Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to move this item and item 4.4, to the end of the agenda. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.4 V 4-3-02, Khavanin/Hicks, 13301 SW 36 Court (A-1)

This item was discussed later in the meeting.

4.5 SE 5-1-02, Kalis/Lemieux, 2650 SW 154 Avenue (A-1)

Neal Kalis, representing the petitioner, was present. Mr. Gratz read the planning report.

Ms. Turin disclosed that she had received an e-mail from Mr. Kalis and had not discussed this item with him. Chair Greb disclosed that he had received a phone call from Mr. Kalis and had not discussed this item. Vice-Chair Bender disclosed that he had spoken with Mr. Kalis and Debbie Apolinario on this subject. Ms. Lee disclosed that she had spoken with Mr. Kalis and Debbie Bergin.

Mr. Kalis provided background information and a presentation on the intent for the special permit. He submitted a color coordinated plan depicting the exercise component and asked that the kennel owner, Aubrey Wells, address the operations of the kennel. Mr. Kalis submitted letters of endorsement and photographs for the record. He advised that Mr. Wells had sent out 32 invitations to surrounding neighbors to visit his existing kennel and three or four people had responded and observed.

Mr. Wells summarized the breeding, brokering, training and lodging operations of his current kennel known as “Mr. Bassett, Inc.” He addressed the noise and odor concerns which he perceived would be a concern of neighbors. Mr. Wells answered questions posed by Board members for further clarification and a better understanding of the business and facility. During the discussion, Mr. Wells indicated that he was willing to provide assurances that Pit Bull and Akita breeds would not be accepted at the facility. He stated that the building would appear to be a single family home and that he was going through the process to have the facility approved as an evacuation center during hurricanes. Mr. Wells explained that

additional insulation would be installed in the walls of the building for a thorough noise barrier.

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Mr. Kalis further explained the hours of operation for the exercise area and clarified that the breeding facility was for breeding purposes only and that the animals were returned to their homes.

Penny Brock, 2801 SW 139 Way, spoke as a witness to the type of neighbors the present kennel has been. She indicated that her property value had not been impacted by the kennel.

John Strausser, 2750 SW 140 Terrace, testified to the good neighbor Mr. Bassett, Inc. had been.

Chair Greb asked if anyone wished to speak for or against this item.

Pat Grimson, 15150 SW 27 Street, provided a petition signed by residents in the immediate area who were opposed to the special permit. She spoke of the reasons why she was opposed to this item.

Patricia Saville, 15300 SW 27 Street, spoke in opposition.

Dolores Dykes, 15101 SW 27 Street, spoke in opposition.

Debbie Bergin, 13191 SW 16 Court, spoke in favor.

Patricia McCoy, 2841 SW 156 Avenue, spoke in opposition.

Holly Sigler, 2681 SW 154 Lane, spoke in opposition.

Damon Carroll, 2701 154 Lane, spoke in opposition.

Burt Apolinario, 14650 SW 29 Place, spoke in opposition.

Victor Fumerol, address not stated, spoke in opposition.

Joan Murphy, 2750 SW 154 Avenue, spoke in opposition.

Clay Emory, 2840 SW 154 Lane, spoke in opposition.

Manny Hernandez, 2750 SW 154 Avenue, spoke in opposition.

Bill Sirola, 2681 SW 155 Lane, spoke in opposition.

Bradley Weiss, 2977 Wentworth, spoke in favor.

Dr. Barry Schwartz, 2723 Oakbrook Drive, spoke in favor.

Nelson Bradshaw, 5895 W 14 Avenue, spoke in opposition.

Michael Cummings, 940 SW 19 Street, spoke in favor.

Liz Ritter, 3230 SW 136 Way, spoke in favor.

MaryJo Eaton, 7460 SW 42 Court, spoke in favor.

Stephanie Munson, 2780 SW 154 Lane, spoke in opposition.

Debbie Apolinario, 14650 SW 29 Place, spoke in opposition.

Joy Miller, 6881 Longbow Lane, spoke in favor.

As there were no other speakers, the public hearing was closed.

Mr. Kalis pointed out some differences between some concepts and the reality of this issue. He advised that Mr. Wells was willing to install landscape buffering if that was what the residents preferred instead of the eight foot wall which was required. Mr. Kalis explained how the drainage would be handled and emphasized that one property was not permitted to drain on another.

A discussion ensued in which Board members expressed their opinions and concerns. Mr. Kalis indicated that Mr. Wells would be willing to stipulate that as a condition of the issuance of the special permit, the property would never be sold as a business for a kennel.

Vice-Chair Bender made a motion, seconded by Ms. Lee, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

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The board recessed at 9:10 p.m. and reconvened at 9:17 p.m.

4.3 Gus Khavanin, representing the petitioner, was present. Mr. Gratz read the planning report.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

4.4 Gus Khavanin, representing the petitioner, was present. He explained that in an effort to preserve several 100-year-old Oak trees on the site, he was limited in the amount of lots which could be developed and needed the variance for one specific house.

Mr. Gratz read the planning report. A lengthy discussion ensued with regard to the garage which was to be located next to a Broward County park and an environmentally sensitive land site. Mr. Khavanin answered questions to provide a better understanding of the project.

Mr. Waitkus made a motion, seconded by Ms. Turin, to approve with the following stipulations: 1) that a “4-Hour” fire rating drywall be used for walls and ceiling; and 2) for noise prevention, that there be an eight inch separation between the drywall and the concrete block with insulation. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

Vice-Chair Bender provided an article entitled, “Supreme Court Ruling Helps Limit Growth.” He read the article and a brief discussion followed wherein the Board decided it would contact their respective Councilmember and bring it to their attention.

It was noted during the meeting that there was no limit to the number of dogs allowed on property zoned RR, AG and A-1. Chair Greb suggested that the Code be amended to regulate this predicament with the requirement of a special permit which would allow for a public hearing. Again the Board members decided it would be best to contact their respective Councilmember.

7. COMMENTS AND/OR SUGGESTIONS

Mr. Gratz advised that it would not be necessary to have a meeting on June 26th and, therefore, cancellation notices would be posted.

Ms. Gale explained that Council Chambers would not be available for the meeting of July 10, 2002. The Board discussed other options and agreed that it would meet on July 9, 2002, at 7:00 p.m., in Council Chambers

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8. ADJOURNMENT

There being no other business and no objections, the meeting was adjourned at 10:15 p.m.

Date Approved _____

Chair/Board Member